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Attorneys for Movant

U.S. Bank National Association, as trustee, on behalf of
the holders of the Asset Backed Securities Corporation Home
Equity Loan Trust, Series NC 2005-HE8, Asset Backed Pass-
Through Certificates, Series NC 2005-HE8

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In Re:	)	CASE: 11-22041-C-7
)	
JUDY ANNE WROTEN aka JUDY A. WROTEN	)	CHAPTER 7
fdba GRANDMA'S DAYCARE and GARY)	
GEORGE WROTEN aka GARY G. WROTEN	)	REF.: ASW-1
)	
Debtors.	)	MOTION FOR RELIEF
	)	FROM THE AUTOMATIC
	)	STAY AND DECLARATION
	)	OF GINA HIATT IN
	)	SUPPORT THEREON
)	
	)	DATE: 04/19/11
	)	TIME: 9:30am
	)	CTRM: 35
	)	U.S. Bankruptcy Court
	)	501 I Street, 6th FL
	)	Sacramento, CA 95814

The Motion of U.S. Bank National Association, as
trustee, on behalf of the holders of the Asset Backed
Securities Corporation Home Equity Loan Trust, Series NC
2005-HE8, Asset Backed Pass-Through Certificates, Series NC
2005-HE8 respectfully shows as follows:

1. This Court has jurisdiction over this proceeding
pursuant to 28 U.S.C. Sections 157 and 1334.

1 2. This Motion is brought pursuant to Local Rule 9014-
2 1 (f)(1)(ii) written opposition, if any, to the granting of
3 the Motion shall be in writing and shall be served on the
4 moving party and filed with the Clerk by the responding
5 party at least fourteen (14) days preceding the noticed date
6 of the hearing. Unless written opposition and supporting
7 evidence are timely filed with the Court, without good
8 cause, no party will be heard in opposition to the Motion at
9 oral argument. Failure of the responding party to timely
10 file written opposition may be deemed a waiver of any
11 opposition to the granting of the Motion.

12 Opposition to the Motion shall be served on counsel for
13 Movant as follows:

14 THE WOLF FIRM
15 2955 Main Street, Second Floor
16 Irvine, CA 92614
Tel (949) 720-9200
Fax (949) 608-0128

17 3. On January 27, 2011, a petition under Chapter 7 of
18 the Bankruptcy Code was filed by the Debtors.

19 4. MICHAEL P. DACQUISTO is the Chapter 7 Trustee for
20 this case.

21 5. Movant is, and at all times herein mentioned was a
22 corporation organized and existing under the laws of the
23 United States.

24 6. Movant is the beneficiary under a Deed of Trust
25 which secures a Promissory Note ("Note") in the principal
26 sum of \$201,600, with the Note all due and payable on
27

1 September 1, 2035. The Note and Deed encumber real property
2 commonly known as:

3 865 California Street, Gridley, CA 95948 ("Property")
4 and legally described as set forth in the Deed of Trust,
5 which is attached to the Declaration of GINA HIATT.

6 7. The beneficial interest under the Deed of Trust is
7 currently held by Movant. See Declaration of GINA HIATT.

8 8. There was a default under the terms of the Note and
9 Deed of Trust and on October 6, 2010, Movant caused to be
10 recorded a Notice of Default and Election to Sell.

11 9. On January 7, 2011, Movant caused to be recorded a
12 Notice of Sale.

13 10. The Property is Debtors' principal residence.

14 11. As of February 3, 2011, the Debtors have failed to
15 tender 9 of the contractual payments which have fallen due
16 under the Note and Deed of Trust.

17 12. The total amount due under Note and Deed of Trust
18 as of February 3, 2011, exclusive of attorneys' fees and
19 costs, was approximately \$215,434.51. See Statement of
20 Indebtedness attached hereto as Exhibit " 1 ".

21 13. The Property is also encumbered by additional
22 liens and arrearages which, when added to Movant's lien and
23 arrearages secured thereby, total approximately \$232,674.51.

24 14. Movant requests the Court take Judicial Notice
25 that the Debtors' Schedule "A" provides the fair market
26 value of the Property to be approximately \$92,500.00. A
27

1 true and correct copy of Schedule "A" is attached hereto as
2 Exhibit " 2 " and incorporated by reference.

3 15. Movant requests the Court take Judicial Notice
4 that the Debtors' Schedule "D" reflects the Property is
5 encumbered by one additional lien. A true and correct copy
6 of the Debtors' Schedule "D" is attached hereto as Exhibit "
7 3 " and incorporated by reference.

8 16. Due to the liens, encumbrances and arrearages
9 existing against the Property, and due to current market
10 trends and costs of sale, the Debtors do not have any equity
11 in the Property.

12 17. The Debtors have no reasonable prospect for
13 reorganization and the Property is not necessary for an
14 effective reorganization.

15 18. Movant does not have, and has not been offered,
16 adequate protection for its interest in the Property and the
17 passage of time will result in irreparable injury to
18 Movant's interest in the Property including, but not limited
19 to, loss of interest and opportunity.

20 19. For all the reasons set forth herein, there is
21 cause for relief from stay including, but not limited to,
22 lack of adequate protection and the Debtors' failure to make
23 the required Deed of Trust payments.

24 WHEREFORE, Movant prays for the judgment against
25 Respondents as follows:

26 (1) That the automatic stay be terminated or annulled
27 so that Movant may exercise or cause to be exercised any and

1 all rights under its Note and/or Deed of Trust and any and
2 all rights after the foreclosure sale, including, but not
3 limited to, the right to consummate foreclosure proceedings
4 on the property and the right to proceed in unlawful
5 detainer;

6 (2) For reasonable attorneys' fees;

7 (3) For the waiver of the 14 day stay pursuant to
8 Bankruptcy Rule 4001(a)(3).

9 (4) For such other and further relief as the Court
10 deems just and proper.

11 Dated: March 22, 2011

12
13 /S/DANIEL K. FUJIMOTO
14 DANIEL K. FUJIMOTO
15 Attorneys for Movant
16 U.S. Bank National Association, as
17 trustee, on behalf of the holders of
18 the Asset Backed Securities
19 Corporation Home Equity Loan Trust,
20 Series NC 2005-HE8, Asset Backed
21 Pass-Through Certificates, Series NC
22 2005-HE8
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